

address while it is registered with a given MSC (mobile switching center). The mobile unit further has a permanent IP (PIP) address that identifies it to the data network. The mobile unit may request services from the data network, and the data network routes packet data to the mobile unit in response to the request via the TIP and PIP (see col. 6, lines 35 et seq.).

However, Hartmaier is silent as to receiving a device identifier for a mobile communication device via a communication network, wherein the device identifier is correlated with information concerning what services the mobile communication device has a technical capability to access, and determining, based on the received device identifier and the corresponding information, whether the mobile communication device is capable of receiving the requested service, as required by claim 1.

Instead, in the portions of Hartmaier alleged to correspond to the above (col. 4, lines 5-19 and 43-53), only an authorization process is described. See, e.g., col. 4, lines 13-19: "Upon receipt of the registration request, the MSC 120 in step 204 sends a database query to HRL 110 to determine if this mobile unit 170 is **authorized** to obtain service from the network. HLR 110 determines whether the mobile unit 170 is **authorized** to obtain service from the network by accessing the user profile records stored in DB 116 of HLR 110" (emphasis added).

Authorization is different from technical capability as required by claim 1. An example of a technical capability is the capability to operate on multiple networks, such as both analog and digital networks, as discussed in the present specification on page 7, lines 10-11. Other examples include browser capability, the capability of over-the-air activation, or mode and band capabilities (see the present specification at, e.g., page 9, lines 28-30 to page 10, lines 1-7). Thus, Hartmaier does not disclose a device identifier that is correlated with information concerning what services the mobile communication device has a technical capability to access, as required by claim 1.

Accordingly, claim 1 is allowable over Hartmaier. Independent claim 6, similarly to claim 1, recites receiving a device attribute for a mobile communication device via a communication network, wherein the device attribute is correlated with

information concerning the technical capability of the mobile communication device to receive a requested service, and determining, based on the received device attribute and the corresponding information, whether the mobile communication device is capable of receiving the requested service. Thus, claim 6 is also allowable over Harmaier. Independent claims 11 and 12 respectively incorporate the limitations of claims 1 and 6 as article of manufacture claims, and therefore are also allowable over Hartmaier.

In view of the foregoing, withdrawal of the rejection of claims 1, 6, 11 and 12 as being anticipated by Hartmaier is respectfully requested.

Claim 3 was rejected under 35 USC 103(a) as being unpatentable over Hartmaier in view of Saunders et al. (Saunders) (US 5,918,172). Claims 4 and 7 were rejected under 35 USC 103(a) as being unpatentable over Hartmaier in view of Fehnel (WO 97/34438). Claim 5 was rejected under 35 USC 103(a) as being unpatentable over Hartmaier in view of Fehnel and Saunders. To establish a prima facie case of obviousness under Section 103, all claim limitations of a claimed invention must be taught or suggested by the prior art. In view of this, the Applicant respectfully submits that the cited references fail to support the asserted rejections.

Claims 3, 4 and 5 incorporate the limitations of claim 1 by dependency, and claim 7 incorporates the limitations of claim 6 by dependency. Accordingly, claims 3, 4, 5 and 7 are allowable over Hartmaier for at least the reasons discussed above in connection with claims 1 and 6. Moreover, Saunders and Fehnel do not remedy the deficiencies of Hartmaier with respect to independent claims 1 and 6. For example, neither Saunders nor Fehnel teaches or suggests receiving a request for a service to be provided to a mobile communication device, where a device identifier or attribute of the mobile communication device is correlated with information concerning what services the mobile communication device has a technical capability to access, and determining, based on the device identifier or attribute and the corresponding information, whether the mobile communication device is capable of receiving the requested service, as required by claims 1 and 6. Therefore, even in combination with Hartmaier, Saunders and Fehnel cannot render claims 3, 4, 5 and 7

unpatentable. Withdrawal of the rejection of claims 3, 4, 5 and 7 under 35 USC 103(a) is therefore respectfully requested.

Claims 8, 10 and 13 were rejected under 35 USC 103(a) as being unpatentable over Hartmaier in view of Sonti (US 6,108,540). Claim 8 depends on claim 1 and is therefore allowable over Hartmaier for at least the reasons discussed in connection with claim 1. Sonti does not remedy the deficiencies in Hartmaier with respect to claim 1, and therefore claim 8 is also allowable over the combination of Hartmaier and Sonti.

Claim 10 relates to applying a device identifier to an equipment capabilities filter, the equipment capabilities filter comprising information concerning what services the device has a technical capability to access, applying a home location identifier to a geographic eligibility filter; and registering the mobile communication device to a given service if the device identifier and home location identifier pass through the equipment capabilities filter and geographic eligibility filter, respectively. Claim 13 is an article of manufacture claim corresponding to claim 10. As discussed above, neither Hartmaier nor Sonti contains disclosure relating to equipment capabilities as required by claims 10 and 13, and therefore claims 10 and 13 are allowable over Hartmaier and Sonti for at least that reason.

Withdrawal of the rejection of claims 8, 10 and 13 as unpatentable over Hartmaier in view of Sonti is therefore respectfully requested.

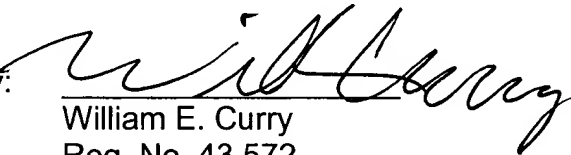
Conclusion

In light of the above discussion, the Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees under 37 C.F.R. 1.16 or 1.17 related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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By: 
William E. Curry
Reg. No. 43,572

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201